

STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL

GENERAL STATE OPERATION PERMIT FOR THE  
**APPLICATION OF HERBICIDES**

Permit Number SOP-HA11000

**Introduction --**

The following document is a State of Tennessee permit that authorizes owner/operators or persons to apply contact herbicides to waters of the state, provided the activities are in compliance with the terms of this permit:

This permit also imposes several restrictions on how and where contact herbicides may be applied.

This permit is a State Operation general permit, with a permit number of SOP-HA11000. Activities covered under this permit will be assigned permit numbers in the sequence SOP-HA11001, SOP-HA11002, etc. A general permit is one designed to apply to a category of sources that involve the same or substantially similar operations, discharge the same types of wastes, and require the same or similar permit conditions and monitoring provisions. To obtain coverage under this permit, one must submit a Notice of Intent (NOI) to the Division. Appendix A of the permit is the NOI.

**Terms and Conditions, and Reporting Requirements of This Permit --**

An activity covered under this general permit is subject to several terms and conditions and reporting requirements. The main requirements are listed and described briefly below.

Contact herbicides shall be limited to those registered contact herbicides approved for use in water used as domestic water supply, and the applicator must follow all label requirements. This requirement is to insure the contact herbicides used are approved for use in state waters.

The application of the contact herbicides shall be by persons licensed by the Tennessee Department of Agriculture and must meet all applicable general permits and Regulations of the Tennessee Department of Agriculture. This requirement is to insure the applicators of these contact herbicides are trained in the use and disposal of the contact herbicides.

The application of contact herbicides is limited to an effective plant control zone which shall be within one hundred (100) feet of fixed piers, docks, boathouses, public use boat ramps, public facilities, and industrial water intakes. Boat lanes shall be limited to a single lane not to exceed fifty (50) feet in width. This requirement is intended to limit the areas in the waters of the state where the contact herbicides may be applied.

The permittee will report to the Division when the application is completed. The following information as a minimum will be required. No later than 60 days after the completion of the herbicide application project or November 30<sup>th</sup> of the year the application is performed whichever is earlier, the owner/operator or person performing the application will provide to the Division two copies of a report containing a description of the just completed activity detailing such information as type and amount of herbicide actually applied, the extent of the area treated, and type and extent of aquatic vegetation treated.

**Outline of this permit --**

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(1) Coverage under this general permit

- (a) This permit only applies to activities that do not require a National Pollutant Discharge Elimination System (NPDES) permit, do not result from the operation of a treatment system, or which the Division has determined do not require an individual permit. These activities include the use of contact herbicides to control aquatic macrophytes. Application of contact herbicides in aquatic systems is hereby permitted provided it is done in accordance with the terms and conditions of this permit and provided:
  - 1. an individual permit is not required;
  - 2. an application for this general permit is submitted by the owner/operator or person who have received authorization from the appropriate jurisdictional authority; and
  - 3. application of contact herbicides is only for the control of nuisance aquatic vegetation that is causing a limited area of water to be less supportive of its classified uses such as: fish and aquatic life, recreation, or navigation.
- (b) This permit is applicable for waters of the State of Tennessee that are contained within federal and state managed impoundments and lakes, except those excluded in subparagraph (1)(h).
- (c) This permit serves as a State Operating general permit and is issued to be effective for a term of two years. Each Notice of Coverage (NOC) issued for this general permit shall be issued for a period of time with an expiration date to be no later than November 30<sup>th</sup> of the year of application.
- (d) Coverage under this general permit may be terminated in accordance with this permit and the applicable requirements of T.C.A. § 69-3-108.
- (e) Notwithstanding the provisions of this permit, the Director may require any person to apply for and obtain an individual state operation permit.
- (f) When an individual permit is issued to a person otherwise subject to this general permit, the applicability of the general permit to the individual state operation permittee is terminated on the effective date of the individual permit.
- (g) A person who is the holder of an individual permit may request that the individual permit be revoked, and such person may apply for general permit coverage. The Division will process this request pursuant to the terms of this permit.
- (h) Limitations on coverage. This permit does not apply to the application of contact herbicides to waters that have been designated by the Water Quality Control Board as Outstanding National Resource Waters (Tier III), or as High Quality Waters (Tier II). An application of herbicides to such waters will require issuance of an individual state operation permit.

(2) Authorization to discharge under this permit

- (a) Except as provided in subparagraphs (1)(h) above, if the Notice of Intent is submitted as set forth in paragraph (4) below, the applicant is permitted to apply contact herbicides to the waters of the State of Tennessee in accordance with the terms of this permit and of T.C.A. § 69-3-108 (b). Any such discharges not permitted under this permit or by an individual permit are unlawful under T.C.A. § 69-3-108(b).

- (b) In order to obtain authorization to discharge under this permit, an operator must submit a Notice of Intent pursuant to paragraph (4). The Division may grant or deny coverage under this permit or require an application for an individual permit. Upon written notice from the Division to the applicant, the activity is covered under this general permit.
- (3) Requesting termination of coverage
  - (a) The permittee shall request termination of coverage under this permit by letter if the application of contact herbicides to the waters of the State has ceased.
  - (b) The permittee must submit with the letter of termination, the report required in subparagraph (8)(a). This letter and report shall be submitted to the Water Pollution Control section of the Environmental Assistance Center responsible for the county where the discharge is located, as defined in subparagraph (9)(g), for evaluation and approval.
- (4) Notice of Intent (NOI) requirements
  - (a) Format

NOI's shall be on the form provided in Appendix A of this permit.
  - (b) Deadlines

For a new application of contact herbicides, a NOI shall be submitted 60 days before the application of contact herbicides to the waters of the State occurs.
  - (c) Who must sign the NOI

The NOI must be signed according to signatory requirements of subparagraph (9)(f) of this permit.
  - (d) Content of the NOI

The following information must be included in an NOI:

    1. name of the applicant, mailing address, email address, and phone number;
    2. name of the licensed applicator performing the application of contact herbicides, mailing address, email address, and phone number;
    3. a location map which identifies the county and nearest town and highlights the location of the proposed application;
    4. a description of the proposed activity detailing such information as type and amount of herbicide to be applied, extent of area to be treated, type and extent of aquatic vegetation to be treated, and where appropriate, a copy of the authorization from the United States Army Corps of Engineers to apply the contact herbicides to waters under their jurisdiction; and
    5. any additional information the Division may require.
  - (e) An original and one copy of the completed NOI shall be submitted to the address on the NOI form.

(5) Releases in excess of reportable quantities

This permit does not relieve the person of the reporting requirements of 40 CFR Part 117 and 40 CFR Part 302 (1996).

(6) Administrative procedures for confirming coverage under this general permit

- (a) The Division will review NOI's for completeness and accuracy. Except as provided in subparagraph (1) (h), a complete and accurate NOI shall be processed as described in subparagraph (b);
- (b) within 30 days after the Division receives a complete and accurate NOI, the Division will transmit to the permittee a notice of coverage (NOC) under this permit and shall specify the effective dates of coverage under the permit. The term of coverage shall begin no sooner than the date the NOC is mailed. The term shall end not later than November 30<sup>th</sup> of the year of application or the expiration date of this general permit whichever is earlier; and
- (c) if the Division denies an applicant coverage under this permit, the Division will notify the applicant of this determination.

(7) Terms and Conditions

- (a) Contact herbicides shall be limited to those on either the State of Tennessee's list or the Environmental Protection Agency's list of registered contact herbicides approved for use in water used as domestic water supply and the applicator must follow all label requirements.
- (b) Application of contact herbicides shall only be by persons licensed by the Tennessee Department of Agriculture and must meet all applicable general permits and Regulations of the Tennessee Department of Agriculture.
- (c) Application of contact herbicides is limited to an effective plant control zone which shall be within 100 feet of fixed piers, docks, boathouses, public use boat ramps, public facilities, and industrial water intakes.
- (d) Application of contact herbicides to create navigable boat lanes shall be limited to a single lane not to exceed fifty (50) feet in width.
- (e) Under no circumstances may the area to be treated exceed ten acres.
- (f) The permittee shall notify the appropriate Environmental Assistance Center at least seven days prior to the actual spraying of the herbicide.
- (g) Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat, or to cultural, historical, or archeological features or sites is prohibited.

(8) Reporting

- (a) No later than 60 days after the completion of the herbicide application project or by November 30<sup>th</sup> of the year of application whichever is earlier, the permittee will provide to the EACs two copies of a report containing a description of the just completed activity detailing such information as type and amount of herbicide actually applied, the extent of the area treated, and type and extent of aquatic vegetation treated.

(b) Falsifying reports

Knowingly making any false statement on any report required by this permit may result in the imposition of criminal penalties as provided for in T.C.A. §69-3-115 of the Tennessee Water Quality Control Act.

(9) General provisions

(a) Renotification

The permittee is not authorized to discharge after the expiration date of the permit that is specified by the Division according to subparagraph (6)(b). In order to receive authorization to discharge beyond the expiration date, the permittee must submit a NOI in compliance with subparagraph (4) at least 60 days prior to that expiration date.

(b) Right of entry

The permittee shall allow the Director or his authorized representatives:

1. to enter the owner/operator's or person's premises to observe the preparation of any herbicide solution;
2. to observe the application of the herbicide solution to the waters of the state; and
3. to determine compliance with the permit or no impact from the activity.

(c) Availability of reports

Except for the data determined to be confidential under T.C.A. § 69-3-113 of the Tennessee Water Quality Control Act, all reports submitted in accordance with the terms of this permit shall be available for public inspection at the offices of the Division of Water Pollution Control.

(d) Property rights

This general permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any infringement of Federal, State, or local laws or regulations.

(e) Severability

The provisions of this permit are severable. If any provision of this permit due to any circumstance is held invalid, then the application of such provision to other circumstances and to the remainder of this permit shall not be affected thereby.

(f) Other information

If the permittee becomes aware that he failed to submit any relevant facts in a NOI or submitted incorrect information in an NOI or in any report to the Division, then he shall promptly submit such facts or information.

(g) Signatory requirements

1. A Notice of Intent submitted to the Division shall be signed as follows:
  - (i) for a corporation: by a responsible corporate officer. For the purpose of this subpart, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principle business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sale or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
  - (ii) for a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
  - (iii) for a municipality, state, federal, or other public facility: either by a principal executive officer or ranking elected official. For the purposes of this Section, a principal executive officer of federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
2. All reports required by the permit or information submitted to the Division shall be signed by a person designated in part 1 above or a duly authorized representative of such person, if:
  - (i) the representative so authorized is responsible for the activity, e.g., a plant manager, superintendent or person of equivalent responsibility;
  - (ii) the authorization is made in writing by the person designated under part 1 above; and
  - (iii) the written authorization is submitted to the Division.
3. Any changes in the written authorization submitted to the Division under part 2 above which occur after the issuance of a permit shall be reported to the Division by submitting a copy of a new written authorization which meets the requirements of parts 1 and 2 above.
4. Any person signing any document under parts 1 and 2 above shall make the following certification: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in the attached document; and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

- (h) Tennessee counties and appropriate Environmental Assistance Centers (EACs).

Fayette, Shelby and Tipton Counties:

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
2510 MT MORIAH ROAD SUITE E-645  
MEMPHIS TN 38115-1511  
(901) 368-7939

Benton, Carroll, Chester, Crockett, Decatur, Dyer, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, McNairy, Madison, Obion, Weakly counties:

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
362 CARRIAGE HOUSE DRIVE  
JACKSON TN 38305-2222  
(901) 661-6200

Bedford, Coffee, Franklin, Giles, Hickman, Lawrence, Lewis, Lincoln, Marshall, Maury, Moore, Perry, Wayne Counties:

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
2484 PARK PLUS DRIVE  
COLUMBIA TN 38401  
(931) 380-3371

Cheatham, Davidson, Dickson, Houston, Humphreys, Montgomery, Robertson, Rutherford, Stewart, Sumner, Williamson, Wilson Counties:

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
711 R.S.GASS BOULEVARD  
NASHVILLE TN 37216  
(615) 687-7000

Bledsoe, Bradley, Grundy, Hamilton, McMinn, Marion, Meigs, Polk, Rhea, Sequatchie Counties:

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
STATE OFFICE BUILDING SUITE 550  
540 MCCALLIE AVE  
CHATTANOOGA TN 37402  
(423) 634-5745



Cannon, Clay, DeKalb, Fentress, Grundy, Jackson, Macon, Overton, Pickett, Putnam, Smith, Trousdale, Van Buren, Warren, White Counties:

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
1221 SOUTH WILLOW AVENUE  
COOKEVILLE TN 38506  
(931) 432-4015

Anderson, Blount, Campbell, Claiborne, Cocke, Cumberland, Grainger, Hamblen, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, Union Counties:

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
2700 MIDDLEBROOK PIKE SUITE 220  
KNOXVILLE TN 37921  
(865) 594-6035

Carter, Greene, Hancock, Hawkins, Johnson, Sullivan, Unicoi, Washington Counties:

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
2305 SILVERDALE ROAD  
JOHNSON CITY TN 37601  
(423) 854-5400

(10) Changes affecting coverage under this permit

(a) Planned changes

The permittee shall give notice to the Division as soon as possible of planned physical alterations or additions to the activity. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of herbicide being applied.

(b) Change of ownership

If a permittee changes, the permittee shall submit a new NOI in accordance with paragraph 4 of this permit at least 60 days prior to the changes if at all practicable.

(c) Change of mailing address

The permittee shall promptly provide to the Division written notice of any change of mailing address. In the absence of such notice the original address of the permittee will be assumed to be correct.

(11) Noncompliance

(a) Effect of noncompliance

All activities shall be consistent with terms and conditions of this permit. Any noncompliance constitutes a violation of applicable State laws and is grounds for

enforcement action, for termination of coverage under the permit, for the Division to require an individual permit, or denial of permit reissuance.

(b) Reporting of noncompliance

1. 24-Hour reporting

In the case of any noncompliance which would cause a threat to public drinking supplies, or which could constitute a threat to human health or the environment, the permittee shall notify the Division of the noncompliance by contacting the appropriate Division field office within 24 hours from the time the permittee becomes aware of the circumstances. (The field office should be contacted for names and phone numbers of emergency response personnel.)

A written submission must be provided within five days of the time the permittee becomes aware of the circumstances unless this requirement is waived by the Division on a case-by-case basis. The permittee shall provide the Division with the following information:

- i. a description of the cause of noncompliance;
- ii. the period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- iii. the steps being taken to reduce, eliminate, and prevent recurrence of the non-complying discharge.

2. Scheduled reporting

For instances of noncompliance which are not reported under part (b) 1. above, the permittee shall report the noncompliance in the report due within 60 days after the completion of the herbicide application. The report shall contain all information concerning the steps taken, or planned, to reduce, eliminate, and prevent recurrence of the violation and the anticipated time the violation is expected to continue.

(c) Adverse impact

The permittee shall take all reasonable steps to minimize any adverse impact to the waters of Tennessee resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(12) Liabilities

(a) Civil and criminal liability

Except as provided in this permit, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Notwithstanding this permit, the permittee shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the application of contact herbicides to any surface or subsurface waters. Additionally, notwithstanding this permit, it shall be the responsibility of the

owner/operator or person to conduct its activities in a manner such that public or private nuisances or health hazards will not be created.

(b) Liability under State law

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law, as amended.

(13) Placement of signs

The permittee shall place and maintain at least two signs around the affected area before and during application and at least one week after application advising the public that contact herbicides are being used, the type of herbicide, and any applicable warnings. These signs must contain the name of the owner/operator or person to whom the permit is issued and a contact phone number. These signs should be a minimum of two feet by two feet (2' by 2') with one inch (1") letters, have a white background with black letters, made of durable material, and readable both from the water and from the shore.